

State of South Dakota

EIGHTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2011

682S0558

HOUSE BILL NO. 1145

Introduced by: Representatives Hunt, Boomgarden, Gibson, Nelson (Stace), Rausch, and
Turbiville and Senators Rave, Hunhoff (Jean), Schlekeway, Tieszen, and
Vehle

1 FOR AN ACT ENTITLED, An Act to provide for the identification of the law applicable to
2 certain claims for damages.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 21-3 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 In any action arising out of an injury to the person, the local law of the state where the injury
7 occurs determines whether a claim for damages survives the death of the party sought to be held
8 liable or of the injured person. For purposes of this section, the place where the injury occurs
9 is the place where the forces causing the injury first result in actionable injury to the injured
10 person.

11 Section 2. Section 1 of this Act applies to all actions as to which the State of South Dakota's
12 rules on choice of law apply that are pending on, or commenced on or after July 1, 2011.

